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Docket No. SMDC 01-08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Robert W. McMILLAN et al.

Application No.: 10/653,781

Group Art Unit: 3662

Filed: September 3, 2003

Examiner: Daniel T. Pihlic

For: POLARIZATION CORRELATION SIGNAL PROCESSING FOR RADIOMETERS,
LADARS, AND RADARS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided reasons for allowance of claims 1-20, 24, and 25 in item 5 on page 1 of the Office Action mailed March 16, 2005. Of these claims, claims 1, 24, and 25 are independent claims. While the Examiner's comments appear to be at least generally applicable to independent claim 1, all of the identified language is not found in independent claim 25. The Examiner stated that the "prior art does not disclose a correlating polarimeter with a modulator, a linear polarizer and a correlator as recited in the independent claims." However, claim 25 does not recite "a correlator." Also, claim 24 is a method claim. Thus, the Examiner has not acknowledged all classes of claims. Applicants note that no reasons for allowance have been provided for remaining independent claims 21 and 22.

As specified in MPEP 1302.14, "care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is respectfully submitted that the Examiner's statement does not meet these standards and, instead, raises possible misinterpretations and possible estoppel effects and, accordingly, should be disregarded.

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It is further submitted that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

Respectfully submitted,

Date: 6/28/05

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